

A BILL

*To establish an uniform System of Bankruptcy throughout
the United States.*

1 SEC. 1. **B**E it enacted by the Senate and House of
2 Representatives of the United States of
3 America, in Congress assembled, That from and after
4 the first day of June next, if any merchant, or other
5 person, residing within the United States, actually
6 using the trade of merchandize, by buying and selling
7 in gross, or by retail, or dealing in exchange, or as
8 a banker, broker, factor, underwriter, or *marine in-*
9 *surer*, shall, with intent unlawfully to delay or de-
10 fraud his or her creditors, depart from the state in
11 which such person usually resides, or remain absent
12 therefrom, or conceal him or herself therein, or keep
13 his or her house, so that he or she cannot be taken
14 or served with process, or willingly or fraudently
15 procure him or herself to be arrested, or his or her
16 lands, goods, money or chattels to be attached, se-
17 questered, or taken in execution, or shall secretly
18 convey his or her goods out of his or her house, or
19 conceal them to prevent their being taken in exe-
20 cution, or make, or cause to be made, any fraudu-
21 lent conveyance of his or her lands, or chattels, or
22 make or admit any false or fraudulent security, or
23 evidence of debt, or being arrested for debt, or hav-
24 ing surrendered him or herself in discharge of bail,
25 shall remain in prison two months, or more, or escape
therefrom, or whose lands or effects being attached
by process issuing out of, or returnable to any court

26 of common law, shall not, within two months after
 27 written notice thereof, enter special bail and dissolve
 28 the same, or in districts in which attachments are not
 29 dissolved by the entry of special bail, being arrested
 30 for debt after his or her lands and effects. or any part
 31 thereof, have been attached for a debt or debts a-
 32 mounting to one thousand dollars or upwards, shall
 33 not, upon notice of such attachment, give sufficient
 34 security, for the payment of what may be recovered
 35 in the suit in which he, or she, shall be arrested, at or
 36 before the return day of the same, to be approved
 37 by the judge of the district, or some judge of the
 38 court out of which the process issued upon which he
 39 is arrested, or to which the same shall be returnable,
 40 every such person shall be deemed and adjudged a
 41 bankrupt: *Provided*, That no person shall be liable
 42 to a commission of bankruptcy, if the petition be not
 43 preferred, in manner hereinafter directed, within
 44 six months after the act of bankruptcy committed.

1 SEC. 2. *And be it further enacted*, That the judge
 2 of the district court of the United States, for the
 3 district where the debtor resides, or usually resided
 4 at the time of committing the act of bankruptcy, up-
 5 on petition, in writing, against such person or per-
 6 sons being bankrupt, to him to be exhibited by any
 7 one creditor, or by a greater number, being part-
 8 ners, whose single debt shall amount to one thou-
 9 sand dollars, or by two creditors, whose debts shall
 10 amount to one thousand five hundred dollars, or
 11 by more than two creditors, whose debts shall a-
 12 mount to two thousand dollars, shall have power,
 13 by commission under his hand and seal, to appoint
 14 such good and substantial persons, being citizens of
 15 the United States, and resident in such district, as
 16 such judge shall deem proper, not exceeding three,
 17 to be commissioners of the said bankrupt, and in
 18 case of vacancy or refusal to act, to appoint others
 19 from time to time as occasion may require, *Provi-*
 20 *ded always*, That before any commission shall issue,

21 the creditor or creditors petitioning, shall make
 22 affidavit or solemn affirmation before the said judge,
 23 of the truth of his, her or their debts, and give
 24 bond, to be taken by the said judge, in the name
 25 and for the benefit, of the said party, so charged as
 26 a bankrupt, and in such penalty, and with such sure-
 27 ty as he shall require, to be conditioned for the pro-
 28 ving of his, her or their debts, as well before the
 29 commissioners, as upon a trial at law, in case the
 30 due issuing forth of the said commission shall be con-
 31 tested, and also for proving the party a bankrupt,
 32 and to proceed on such commission, in the manner
 33 herein prescribed. And if such debt shall not be
 34 really due, or after such commission taken out, it
 35 cannot be proved that the party was a bankrupt,
 36 then the said judge shall, upon the petition of the
 37 party aggrieved, in case there be occasion, deliver
 38 such bond to the said party, who may sue thereon
 39 and recover such damages, under the penalty of
 40 the same, as, upon trial at law, he shall make ap-
 41 pear he has sustained, by reason of any breach of
 42 the condition thereof.

1 SEC. 3. *And be it further enacted*, That before the
 2 commissioners shall be capable of acting, they shall
 3 respectively, take and subscribe the following oath
 4 or affirmation, which shall be administered by the
 5 judge issuing the commission, or by any of the
 6 judges of the supreme court of the United States,
 7 or any judge, justice, or chancellor of any state
 8 court, and filed in the office of the clerk of the
 9 district court: "I. A. B. do swear, or affirm, that
 10 I will faithfully, impartially, and honestly, accord-
 11 ing to the best of my skill and knowledge, execute
 12 the several powers and trust reposed in me, as a
 13 commissioner in a commission of bankruptcy against
 14 and that without favor or
 15 affection, prejudice or malice". And the commissi-
 16 oners who shall be sworn as aforesaid, shall proceed,
 17 as soon as may be, to execute the same, and upon

18 due examination, and sufficient cause appearing
 19 against the party charged, shall and may declare
 20 him or her to be a bankrupt: *Provided, That*
 21 *before such examination be had, reasonable notice*
 22 *thereof, in writing, shall be delivered to the person*
 23 *charged as a bankrupt, or if he or she be not found at*
 24 *his or her usual place of abode, to some person of the*
 25 *family above the age of twelve years, or if no such*
 26 *person appear, shall be fixed at the front or other*
 27 *public door of the house, in which he or she usually*
 28 *resides, and thereupon it shall be in the power of such*
 29 *person, so charged, as aforesaid, to demand before*
 30 *or at the the time appointed for such examination, that*
 31 *a jury be impannelled to enquire into the fact or facts*
 32 *alleged as the causes for issuing the commission, and*
 33 *on such demand being made, the enquiry shall be had*
 34 *before the judge granting the commission, at such time*
 35 *as he may direct, and in that case, such person shall*
 36 *not be declared bankrupt, unless by the verdict of the*
 37 *jury, he shall be convicted of some one of the acts de-*
 38 *scribed in the first section of this act: Provided*
 39 *also, That any commission which shall be taken*
 40 *out as aforesaid, and which shall not be pro-*
 41 *ceeded in as aforesaid, within thirty days thereafter,*
 42 *may be superseded by the said judge, who shall have*
 43 *granted the same, upon the application of the party*
 44 *thereby charged as a bankrupt, or of any creditor*
 45 *of such person, unless the delay shall have been*
 46 *unavoidable, or upon a just occasion.*

1 SEC. 4. *And be it further enacted, That the com-*
 2 *missioners so to be appointed, shall have power,*
 3 *forthwith, after they have declared such person a*
 4 *bankrupt, to cause to be apprehended, by warrant*
 5 *under their hands and seals, the body of such bank-*
 6 *rupt, wheresoever to be found, within the United*
 7 *States: Provided, They shall think, that there is*
 8 *reason to apprehend that the said bankrupt intends*
 9 *to abscond or conceal him or herself, and in case*
 10 *it be necessary, in order to take the body of the*

11 said bankrupt, shall have power to cause the doors
 12 of the dwelling-house of such bankrupt, to be bro-
 13 ken, or the doors of any other house in which he or
 14 she shall be found.

1 SEC. 5. *And be it further enacted*, 'That it shall be
 2 the duty of the commissioners so to be appointed,
 3 forthwith, after they have declared such person a
 4 bankrupt, and they shall have power, to take into
 5 their possession, all the estate, real and personal, of
 6 every nature and description to which the said bank-
 7 rupt may be entitled, either in law or equity, in any
 8 manner whatsoever, and cause the same to be inven-
 9 toried and appraised to the best value, (his or her ne-
 10 cessary wearing apparel, and the necessary wearing
 11 apparel of the wife and children of such bankrupt
 11 only excepted) and also to take into their possession,
 12 and secure, all deeds and books of account, papers
 13 and writings belonging to such bankrupt; and shall
 14 cause the same to be safely kept, until assignees shall
 15 be chosen or appointed, in manner hereafter pro-
 16 vided.

1 SEC. 6. *And be it further enacted*, That the said
 2 commissioners shall forthwith, after they have de-
 3 clared such person a bankrupt, cause due and suffi-
 4 cient public notice thereof to be given, and in such
 5 notice shall appoint some convenient time and place
 6 for the creditors to meet, in order to choose an
 7 assignee or assignees of the said bankrupt's estate and
 8 effects; at which meeting the said commissioners
 9 shall admit the creditors of such bankrupt, to prove
 10 their debts;—and where any creditor shall reside at
 11 a distance from the place of such meeting, shall
 12 allow the debt of such creditor to be proved by
 13 oath or affirmation, made before some competent
 14 authority, and duly certified, and shall permit any
 15 person duly authorized by letter of attorney from
 16 such creditor, (due proof of the execution of such
 17 letter of attorney being first made,) to vote in the
 18 choice of an assignee or assignees of such bankrupt's

19 estate and effects, in the place and stead of such
 20 creditor: and the said commissioners shall assign,
 21 transfer or deliver over, all and singular the said
 22 bankrupt's estate and effects aforesaid, with all
 23 muniments and evidences thereof, to such person
 24 or persons as the major part, in value, of such cre-
 25 ditors, according to the several debts then proved,
 26 shall choose as aforesaid. *Provided always*, that in
 27 such choice, no vote shall be given by, or in be-
 28 half of any creditor whose debt shall not amount to
 29 two hundred dollars.

1 SEC. 7. *Provided always, and be it further enact-*
 2 *ed*, that it shall be lawful for the said commissioners,
 3 as often as they shall see cause, for the better pre-
 4 serving and securing the bankrupt's estate, before
 5 assignees shall be chosen as aforesaid, immediately
 6 to appoint one or more assignee or assignees of the
 7 estate and effects aforesaid, or any part thereof;
 8 which assignee or assignees aforesaid, or any of them,
 9 may be removed at the meeting of the creditors, so
 10 to be appointed as aforesaid, for the choice of as-
 11 signees, if such creditors, entitled to vote as afore-
 12 said, or the major part, in value, of them, shall
 13 think fit, and such assignee or assignees as shall be
 14 so removed, shall deliver up all the estate and ef-
 15 fects of such bankrupt, which shall have come to
 16 his or their hands or possession, unto such other
 17 assignee or assignees as shall be chosen by the credi-
 18 tors as aforesaid; and all such estate and effects shall
 19 be, to all intents and purposes, as effectually and
 20 legally vested in such new assignee or assignees, as
 21 if the first assignment had been made to him or them,
 22 by the said commissioners, and if such first assignee
 23 or assignees, shall refuse or neglect, for the space of
 24 ten days next after notice, in writing from such new
 25 assignee or assignees, of their appointment, as afore-
 26 said, to deliver over as aforesaid, all the estate and
 27 effects as aforesaid, every such assignee or assignees,
 28 shall, respectively, forfeit a sum not exceeding five

29 thousand dollars, for the use of the creditors, and
 30 shall moreover be liable for the property so de-
 31 tained.

1 SEC. 8. *And be it further enacted*, that at any time,
 2 previous to the closing of the accounts of the said
 3 assignee or assignees, so chosen as aforesaid, it shall
 4 be lawful for such creditors of the bankrupt, as are
 5 hereby authorized to vote in the choice of assignees,
 6 or the major part of them, in value, at a regular
 7 meeting of the said creditors, to be called for that
 8 purpose, by the said commissioners, or by one
 9 fourth, in value, of such creditors, to remove all
 10 or any of the assignees chosen as aforesaid, and to
 11 choose one or more in his or their place and stead,
 12 and such assignee or assignees as shall be so removed,
 13 shall deliver up all the estate and effects of such
 14 bankrupt, which shall have come into his or their
 15 hands or possession, unto such new assignee or as-
 16 signees as shall be chosen by the creditors, at such
 17 meeting, and all such estate and effects shall be, to
 18 all intents and purposes, as effectually and legally
 19 vested in such new assignee or assignees, as if the
 20 first assignment had been made to him or them, by
 21 the said commissioners: and if such former assignee
 22 or assignees, shall refuse or neglect, for the space of
 23 ten days next after notice, in writing, from such
 24 new assignee or assignees, of their appointment, as
 25 aforesaid, to deliver over, as aforesaid, all the
 26 estate and effects aforesaid, every such former as-
 27 signee or assignees, shall, respectively, forfeit a
 28 sum not exceeding five thousand dollars, for the
 29 use of the creditors, and shall moreover be liable
 30 for the property so detained.

1 SEC. 9. *And be it further enacted*, that whenever
 2 a new assignee or assignees shall be chosen as afore-
 3 said, no suit at law or in equity shall be thereby
 4 abated, but it shall and may be lawful for the court
 5 in which any suit may depend, upon the suggestion
 6 of a removal of a former assignee or assignees, and

7 of the appointment of a new assignee or assignees,
 8 to allow the name of such new assignee or assignees,
 9 to be substituted in place of the name or names of
 10 the former assignee or assignees, and thereupon the
 11 suit shall be prosecuted in the name or names of the
 12 new assignee or assignees, in the same manner as if
 13 he or they had originally commenced the suit in his
 14 or their own names.

1 SEC. 10. *And be it further enacted*, that the as-
 2 signment or assignments of the commissioners of
 3 the bankrupt's estate and effects as aforesaid, made
 4 as aforesaid, shall be good at law or in equity, a-
 5 gainst the bankrupt, and all persons claiming by,
 6 from, or under such bankrupt, by any act done at
 7 the time, or after he shall have committed the act
 8 of bankruptcy, upon which the commission issued.
 9 *Provided always*, that in case of a *bona fide* purchase
 10 made *before the issuing of the commission* from or
 11 under such bankrupt, for a valuable consideration,
 12 by any person having no knowledge, information
 13 or notice of any act of bankruptcy committed, such
 14 purchase shall not be invalidated or impeached.

1 SEC. 11. *And be it further enacted*, That the
 2 said commissioners shall have power by deed or
 3 deeds, under their hands and seals, to assign and
 4 convey to the assignee or assignees, to be appointed
 5 or chosen as aforesaid, any lands, tenements or he-
 6 reditaments, which such bankrupt shall be seized of,
 7 or entitled to, in fee tail, at law, or in equity, in
 8 possession, remainder or reversion, for the benefit
 9 of the creditors, and all such deeds being duly ex-
 10 ecuted and recorded according to the laws of the
 11 state within which such lands, tenements or heredi-
 12 taments may be situate, shall be good and effectual
 13 against all persons whom the said bankrupt, by com-
 14 mon recovery, or other means, might or could bar
 15 of any estate, right, title, or possibility of or in the
 16 said lands, tenements or hereditaments.

1 SEC. 12. *And be it further enacted*, That if any
 2 bankrupt shall have conveyed or assured any lands,

3 goods or estate, unto any persons, upon condition
 4 or power of redemption, by payment of money or
 5 otherwise, it shall be lawful for the commissioners,
 6 or for any person by them duly authorized for that
 7 purpose, by writing, under their hands and seals, to
 8 make tender of money or other performance ac-
 9 cording to the nature of such condition, as fully as
 10 the bankrupt might have done, and the commis-
 11 sioners, after such performance or tender, shall have
 12 power to assign such lands, goods and estate, for the
 13 benefit of the creditors, as fully and effectually as
 14 any other part of the estate of such bankrupt.

1 SEC. 13. *And be it further enacted,* That the
 2 commissioners aforesaid shall have power to assign,
 3 for the use aforesaid, all the debts due to such
 4 bankrupt, or to any other person for his or her use
 5 or benefit, which assignment shall vest the property
 6 and right thereof in the assignee or assignees of such
 7 bankrupt, as fully as if the bond, judgment, con-
 8 tract or claim had originally belonged or been made
 9 to the said assignees, and after the said assignment,
 10 neither the said bankrupt, nor any person acting as
 11 trustee for him and her, shall have power to recover
 12 or discharge the same, nor shall the same be attach-
 13 ed as the debt of the said bankrupt, but the assignee
 14 or assignees aforesaid, shall have such remedy to re-
 15 cover the same, in his or their own name or names,
 16 as such bankrupt might or could have had, if no
 17 commission of bankruptcy had issued; and when any
 18 action in the name of such bankrupt shall have been
 19 commenced and shall be pending for the recovery
 20 of any debt or effects of such bankrupt, which shall
 21 be assigned or shall, or might become vested in the
 22 assignee or assignees of such bankrupt as aforesaid,
 23 then such assignee or assignees may claim to be, and
 24 shall be thereupon admitted to prosecute such action
 25 in his or their name for the use and benefit of the
 26 creditors of such bankrupt; and the same judgment
 27 shall be rendered in such action and all attachments

28 or other security taken therein, shall be in like man-
 29 ner holden and liable, as if the said action had been
 30 originally commenced in the name of such assignee
 31 or assignees after the original plaintiff therein had
 32 become a bankrupt as aforesaid: *Provided*, that
 33 where a debtor shall have, *bona fide*, paid his debt
 34 to any bankrupt, without notice that such person
 35 was bankrupt, he or she shall not be liable to pay the
 36 same to the assignee or assignees.

1 SEC. 14. *And be it further enacted*, That if com-
 2 plaint shall be made or information given to the
 3 commissioners, or if they shall have good reason to
 4 believe or suspect, that any of the property, goods,
 5 chattels, or debts, of the bankrupt, are in the pos-
 6 session of any other person, or that any person is
 7 indebted to, or for the use of the bankrupt, then
 8 the said commissioners shall have power to summon,
 9 or cause to be summoned, by their attorney or
 10 other person duly authorized by them, all such per-
 11 sons before them, or the judge of the district where
 12 such person shall reside, by such process, or other
 13 means, as they shall think convenient, and upon
 14 their appearance to examine them by parol or by
 15 interrogatories, in writing, on oath, or affirmation,
 16 which oath or affirmation they are hereby empow-
 17 ered to administer, respecting the knowledge of all
 18 such property, goods, chattels, and debts; and if
 19 such person shall refuse to be sworn or affirmed, and
 20 to make answer to such questions, or interrogato-
 21 ries as shall be administered, and to subscribe the
 22 said answers, or upon examination, shall not de-
 23 clare the whole truth, touching the subject matter
 24 of such examination, then it shall be lawful for the
 25 commissioners, or judge, to commit such person to
 26 prison, there to be detained until they shall submit
 27 themselves to be examined in manner aforesaid, and
 28 they shall moreover, forfeit double the value of all
 29 the property, goods, chattels, and debts, by them
 30 concealed.

1 SEC. 15. *And be it further enacted,* That if any of
 2 the aforesaid persons shall, after legal summons to
 3 appear before the commissioners or judge, to be
 4 examined, refuse to attend, or shall not attend at
 4 the time appointed; having no such impediment as
 5 shall be allowed of by the commissioners or judge,
 6 it shall be lawful for the said commissioners or judge
 7 to direct their warrants to such person or persons
 8 as by them shall be thought proper, to apprehend
 9 such persons as shall refuse to appear, and to bring
 10 them before the commissioners or judge, to be ex-
 11 amined, and upon their refusal to come, to commit
 12 them to prison, until they shall submit themselves to
 13 be examined according to the directions of this act:
 14 *Provided,* That such witnesses, as shall be so sent
 15 for, shall be allowed such compensation as the com-
 16 missioners, or judge shall think fit, to be rateably
 17 borne by the creditors, and if any person, other
 18 than the bankrupt, either by subornation of others
 19 or by his or her own act, shall wilfully or corrupt-
 20 ly commit perjury on such examination, to be taken
 21 before the commissioners as aforesaid, the party so
 22 offending, and all persons who shall procure any
 23 person to commit such perjury, shall on conviction
 24 thereof be fined not exceeding four thousand dol-
 25 lars, and imprisoned not exceeding two years, and
 26 moreover shall, in either case, be rendered incapa-
 27 ble of being a witness in any court of record.

1 SEC. 16. *And be it further enacted,* That if any
 2 person or persons shall fraudulently or collusively
 3 claim any debts, or claim or detain any real or
 4 personal estate of the bankrupt, every such person
 5 shall forfeit double the value thereof, to and for
 6 the use of the creditors.

1 SEC. 17. *And be it further enacted,* That if any
 2 person, prior to his or her becoming a bankrupt,
 3 shall convey to any of his or her children, or other
 4 persons, any lands or goods, or transfer his or her

5 debts or demands into other person's names, with
6 intent to defraud his or her creditors, the com-
7 missioners shall have power to assign the same, in
8 as effectual a manner as if the bankrupt had been
10 actually seized or possessed thereof.

1 SEC. 18. *And be it further enacted*, That if any
2 person or persons who shall become bankrupt with-
3 in the intent and meaning of this act, and against
4 whom a commission of bankruptcy shall be duly
5 issued, upon which commission such person or per-
6 sons, shall be declared bankrupt, shall not, within
7 forty two days after notice thereof, in writing, to
8 be left at the usual place of abode of such person
9 or persons, or personal notice in case such person
10 or persons be then in prison, and notice given in
11 some gazette, that such commission hath been issued
12 and of the time and place of meeting of the com-
13 missioners, surrender him or herself to the said
14 commissioners, and sign or subscribe such surren-
15 der, and submit to be examined from time to time,
16 upon oath or solemn affirmation, by and before
17 such commissioners and in all things conform to
18 the provisions of this act, and also upon such his or
19 her examination, fully and truly disclose and dis-
20 cover all his or her effects and estate, real and per-
21 sonal, and how and in what manner, to whom and
22 upon what consideration, and at what time or times
23 he or she hath disposed of, assigned or transferred,
24 any of his or her goods, wares, or merchandize,
25 monies or other effects and estates, and of all books
26 papers, and writings relating thereunto, of which
27 he or she was possessed, or in or to which he or she was
28 any ways interested or entitled, or which any person
29 or persons shall then have, or shall have had in
30 trust for him or her, or for his or her use, at any
31 time before or after the issuing of the said commissi-
32 on, or whereby such bankrupt, or his or her family
33 then hath, or may have or expect any profit, possi-

bility of profit, benefit or advantage whatsoever,
except only such part of his or her estate and effects
as shall have been really and *bona fide* before sold
and disposed of, in the way of his or her trade and
dealings, and except such sums of money as shall have
been laid out in the ordinary expenses of his or her fa-
mily, and also upon such examination, execute in
due form of law, such conveyance, assurance, and
assignment of his or her estate, whatsoever and
wheresoever, as shall be devised and directed by
the commissioners, to vest the same in the assignees,
their heirs, executors, administrators, and assigns
forever, in trust for the use of all and every the
creditors of such bankrupt, who shall come in and
prove their debts under the commission; and deliver
up unto the commissioners, all such part of his or
her the said bankrupt's goods, wares, merchandizes,
money, effects and estate, and all books, papers,
and writings relating thereunto as at the time of such
examination shall be in his or her possession, custo-
dy or power, (his or her necessary wearing apparel,
and the necessary wearing apparel of the wife and
children of such bankrupt only excepted,) then he
or she the said bankrupt, upon the conviction of
any wilful default, or omission in any of the matters
or things aforesaid, shall be adjudged a fraudulent
bankrupt, and shall suffer imprisonment for a term
not less than twelve months, nor exceeding ten
years, and shall not, at any time after, be entitled
to the benefits of this act: *Provided always*, That
in case any bankrupt shall be in prison or custody
at the time of issuing such commission, and is willing
to surrender and submit to be examined, accord-
ing to the directions of this act, and can be brought
before the said commissioners and creditors for that
purpose, the expense thereof shall be paid out of
the said bankrupt's effects, and in case such bank-
rupt is in execution, or cannot be brought before
the commissioners, that then the said commissioners,

75 or some one of them, shall from time to time, attend the
 76 said bankrupt in prison or custody, and take his or
 77 her discovery as in other cases, and the assignees,
 78 or one of them, or some person appointed by them
 79 shall attend such bankrupt in prison or custody, and
 80 produce his or her books, papers and writings, in
 81 order to enable him or her to prepare his or her dis-
 82 covery, a copy whereof the said assignees shall ap-
 83 ply for, and the said bankrupt shall deliver to them
 84 or their order, within a reasonable time after the
 85 same shall have been required.

1 SEC. 19. *And be it further enacted*, That the
 2 said commissioners shall appoint, within the said for-
 3 ty two days, so limited as aforesaid, for the bank-
 4 rupt to surrender and conform as aforesaid, not less
 5 than three several meetings for the purposes afore-
 6 said, the third of which meetings shall be on the last
 7 of the said forty two days: *Provided always*, That
 8 the judge of the district within which such commissi-
 9 on issues, shall have power to enlarge the time so
 10 limited as aforesaid, for the purposes aforesaid, as
 11 he shall think fit, not exceeding fifty days, to be
 12 computed from the end of the said forty two days,
 13 so as such order for enlarging the time be made at
 14 least six days before the expiration of said term.

1 SEC. 20. *And be it further enacted*, That it shall be
 2 lawful for the commissioners, or any other person
 3 or officers, by them to be appointed, by their war-
 4 rant, under their hands and seals, to break open
 5 in the day time the houses, chambers, shops, ware-
 6 houses, doors, trunks, or chests of the bankrupt,
 7 where any of his or her goods or estate, deeds,
 8 books of accounts or writings, shall be, and to take
 9 possession of the goods, money, and other estate,
 10 deeds, books of account or writings of such bank-
 11 rupt.

1 SEC. 21. *And be it further enacted*, That if the
 2 bankrupt shall refuse to be examined or to answer
 3 fully, or to subscribe his or her examination as a-

4 foreſaid, it ſhall be lawful for the commiſſioners to
 5 commit the offender to cloſe impriſonment, until
 6 he or ſhe ſhall conform him or herſelf; and if the
 7 ſaid bankrupt ſhall ſubmit to be examined, and u-
 8 pon his or her examination, it ſhall appear that he
 9 or ſhe hath committed wilful or corrupt perjury, he
 10 or ſhe may be indicted therefor, and being thereof
 11 convicted, ſhall ſuffer impriſonment for a term not
 12 leſs than two years, nor exceeding ten years.

1 SEC. 22. *And be it further enacted,* That every
 2 bankrupt, having ſurrendered, ſhall, at all ſeaſo-
 3 nable times before the expiration of the ſaid forty
 4 two days, as aforeſaid, or of ſuch further time as
 5 ſhall be allowed to finiſh his or her examination be
 6 at liberty to inſpect his or her books and writings,
 7 in the preſence of ſome perſon to be appointed by
 8 the commiſſioners, and to bring with him or her
 9 for his or her aſſiſtance, ſuch perſons as he or ſhe
 10 ſhall think fit, not exceeding two at one time, and
 11 to make extraſts and copies to enable him or her
 12 to make a full diſcovery of his or her effects; and
 13 the ſaid bankrupt ſhall be free from arreſts in coming
 14 to ſurrender, and after having ſurrendered, to the
 15 ſaid commiſſioners, for the ſaid forty two days, or
 16 ſuch farther time as ſhall be allowed for the finiſh-
 17 ing his or her examination, and in caſe ſuch bank-
 18 rupt ſhall be arreſted for debt, or taken on any ef-
 19 cape-warrant or execution, coming to ſurrender,
 20 or after his ſurrender within the time before menti-
 21 oned, then on producing ſuch ſummons or notice
 22 under the hand of the commiſſioners, and giving
 23 the officer a copy thereof, he or ſhe ſhall be diſ-
 24 charged; and in caſe any officer ſhall afterwards de-
 25 tain ſuch bankrupt, ſuch officer ſhall forfeit to ſuch
 26 bankrupt for his or her own uſe, ten dollars for e-
 27 very day he ſhall detain the bankrupt.

1 SEC. 23. *And be it further enacted,* That every
 2 perſon who ſhall knowingly or wilfully receive or
 3 keep concealed any bankrupt, ſo as aforeſaid ſum-

moned to appear, or who shall assist such bankrupt in concealing him or herself, or in absconding, shall suffer such imprisonment, not exceeding twelve months; or pay such fine to the United States, not exceeding one thousand dollars, as upon conviction thereof shall be adjudged.

SEC. 24. *And be it further enacted*, That the said commissioners shall have power to examine, upon oath or affirmation, the wife of any person lawfully declared a bankrupt, for the discovery of such part of his estate as may be concealed or disposed of by such wife, or by any other person, and the said wife shall incur such penalties for not appearing before the said commissioners, or refusing to be sworn or affirmed, or examined, and to subscribe her examination, or for not disclosing the truth, as by this act is provided against any other person in like cases.

SEC. 25. *And be it further enacted*, That in case any person shall be committed by the commissioners for refusing to answer, or for not fully answering any question, or for any other cause, the commissioners shall, in their warrant specify such question or other cause of commitment.

SEC. 26. *And be it further enacted*, That if after the bankrupt shall have finished his or her final examination any other person or persons shall voluntarily make discovery of any part of such bankrupt's estate, before unknown to the commissioners, such person or persons shall be entitled to five per cent out of the effects so discovered, and such farther reward as the commissioners shall think proper, and any trustee having notice of the bankruptcy, willfully concealing the estate of any bankrupt, for the space of ten days after the bankrupt shall have finished his final examination, as aforesaid, shall forfeit double the value of the estate so concealed, for the benefit of the creditors.

1 SEC. 27. *And be it further enacted,* That if any
 2 person shall become bankrupt, and at such time, by
 3 consent of the owner, have in his or her possession
 4 and disposition, any goods whereof he or she shall
 5 be reputed owner, and take upon him or herself,
 6 the sale, alteration, or disposition thereof, as own-
 7 er, the commissioners shall have power to assign the
 8 same, for the benefit of the creditors, as fully as
 9 any other part of the estate of the bankrupt.

1 SEC. 28. *And be it further enacted.* That if any
 2 bankrupt, after the issuing any commission against
 3 him or her, pay to the person who sued out the same,
 4 or give or deliver to such person, goods or any o-
 5 ther satisfaction or security for his or her debt,
 6 whereby such person shall privately have and receive
 7 a greater proportion of his or her debt than the
 8 other creditors, such preference shall be a new act
 9 of bankruptcy, and on good proof thereof, such
 10 commission, shall and may be superseded, and it
 11 shall and may be lawful for either of the judges, ha-
 12 ving authority to grant the commission as aforesaid
 13 to award any creditor petitioning, another com-
 14 mission, and such person so taking such undue satis-
 15 faction as aforesaid, shall forfeit and lose, as well
 16 his or her whole debts, as the whole he or she shall
 17 have taken and received, and shall pay back, or
 18 deliver up the same, or the full value thereof, to
 19 the assignee or assignees who shall be appointed or
 20 chosen under such commission in manner aforesaid,
 21 in trust for, and to be divided amongst the other
 22 creditors of the said bankrupt, in proportion to their
 23 respective debts.

1 SEC. 29. *And be it further enacted,* That every
 2 person who shall be chosen assignee of the estate
 3 and effects of a bankrupt, shall, at some time after
 4 the expiration of four months, and within twelve
 5 months from the time of issuing the commission,
 6 cause at least thirty days public notice to be given,
 7 of the time and place the commissioners and assignees

8 intend to meet, to make a dividend or distribution
9 of the bankrupts estate and effects; at which time the
10 creditors who have not before proved their debts,
11 shall be at liberty to prove the same, and upon eve-
12 ry such meeting, the assignee or assignees shall pro-
13 duce to the commissioners and creditors then pre-
14 sent, fair and just accounts of all his or their re-
15 ceipts and payments, touching the bankrupt's estate
16 and effects, and of what shall remain outstanding,
17 and the particulars thereof, and shall, if the creditors
18 then present, or a major part of them require the
19 same, be examined upon oath or solemn affirmation
20 before the same commissioners, touching the truth
21 of such accounts; and in such accounts, the said
22 assignee or assignees shall be allowed and retain all
23 such sum and sums of money as they shall have
24 paid or expended in suing out and prosecuting the
25 commission, and all other just allowances on account
26 of, or by reason or means of their being assignee or
27 assignees: and the said commissioners shall order
28 such part of the nett produce of the said bankrupt's
29 estate, as by such accounts, or otherwise, shall ap-
30 pear to be in the hands of the said assignees, as they
31 shall think fit, to be forthwith divided among such
32 of the bankrupt's creditors as have duly proved
33 their debts under such commission, in proportion
34 to their several and respective debts, and the com-
35 missioners shall make such their order for a dividend
36 in writing under their hands, and shall cause one
37 part of such order to be filed amongst the proceed-
38 ings under the said commission, and shall deliver un-
39 to each of the assignees under such commission a
40 duplicate of such their order, which order of distri-
41 bution shall contain an account of the time and
42 place of making such order, and the sum total or
43 quantum of all the debts proved under the com-
44 mission, and the sum total of the money remaining
45 in the hands of the assignee or assignees to be divi-
46 ded, and how many per cent in particular is there

47 ordered to be paid to every creditor of his debt;
 48 and the said assignee or assignees in pursuance of
 49 such order, and without any deed or deeds of distri-
 50 bution to be made for the purpose, shall forthwith
 51 make such dividend and distribution accordingly,
 52 and shall take receipts in a book to be kept for the
 53 purpose, from each creditor, for the part or share
 54 of such dividend or distribution which he or they
 55 shall make, and pay to each creditor respectively;
 56 and such order and receipt shall be a full and effect-
 57 al discharge to such assignee for so much as he shall
 58 fairly pay, pursuant to such order as aforesaid.

1 SEC. 30. *And be it further enacted*, That within
 2 eighteen months, next after the issuing of the com-
 3 mission, the assignee or assignees shall make a second
 4 dividend of the bankrupt's estate and effects, in
 5 case the same were not wholly divided upon the
 6 first dividend, and shall cause due public notice to
 7 be given of the time and place the said commission-
 8 ers intend to meet, to make a second distribution of
 9 the bankrupt's estate and effects, and for the cre-
 10 ditors, who shall not before have proved their debts
 11 to come in and prove the same; and at such meet-
 12 ing, the said assignees shall produce, on oath or so-
 13 lemn affirmation as aforesaid, their accounts of the
 14 bankrupt's estate and effects, and what upon the
 15 balance thereof, shall appear to be in their hands,
 16 shall by like order of the commissioners, be forth-
 17 with divided amongst such of the bankrupt's credi-
 18 tors as shall have made due proof of their debts, in
 19 proportion to their several and respective debts,
 12 which second dividend shall be final, unless any suit
 13 at law, or equity, be depending, or any part of the
 14 estate standing out, that could not have been dispo-
 15 sed of, or that the major part of the creditors shall
 16 not have agreed to be sold or disposed of, or unless
 17 some other or future estate or effects of the bank-
 18 rupt shall afterwards come to, or rest in the said
 19 assignees, in which cases the said assignees shall, as

soon as may be, convert such future or other estate and effects into money, and shall within two months after the same be converted into money, by like order of the commissioners, divide the same among such bankrupt's creditors, as shall have made due proof of their debt under such commission.

SEC. 31. *And be it further enacted*, That in the distribution of the bankrupt's effects there shall be paid to every of the creditors a portion-rate, according to the amount of their respective debts, so that every creditor having security for his debt, by judgment, statute, recognizance, or specialty, or having an attachment under any of the laws of the individual states, or of the United States on the estate of such bankrupt, (*Provided* there be no execution executed upon any of the real or personal estate of such bankrupt, before the time he or she became bankrupts) shall not be relieved upon any such judgment, statute, recognizance, specialty, or attachment for more than a rateable part of his debt, with the other creditors of the bankrupt.

SEC. 32. *And be it further enacted*, That the assignees shall keep one or more distinct book or books of account, herein he or they shall duly enter all sums of money, or effects which he or they shall have received or got into his or their possession of the said bankrupt's estate, to which books of account every creditor who shall have proved his or her debt, shall at all reasonable times, have free resort and inspect the same as often as he or she shall think fit.

SEC. 33. *And be it further enacted*, That every bankrupt, not being in prison or custody, shall at all times after his surrender, be bound to attend the assignees, upon every reasonable notice, in writing, for that purpose, given or left at the usual place of his or her abode, in order to assist in making out the accounts of the said bankrupt's estate and effects and to attend any court of record, to be examined

9 touching the same, or such other business as the said
10 assignees shall judge necessary; for which he shall
11 receive three dollars per day.

1 SEC. 34. *And be it further enacted*, That all and
2 every person and persons who shall become bank-
3 rupt as aforesaid, and who shall, within the time
4 limited by this act, surrender him or herself to the
5 commissioners, and in all things conform as in and
6 by this act is directed, shall be allowed five per
7 cent upon the nett produce of all the estate that
8 shall be recovered in and received, which shall be
9 paid unto him or her by the assignee or assignees,
10 in case the nett produce of such estate, after such
11 allowance made, shall be sufficient to pay the credi-
12 tors of said bankrupt who shall have proved their
13 debts under such commission, the amount of fifty
14 per cent, on their said debts, respectively, and so
15 as the said five per cent, shall not exceed in the
16 whole, the sum of five hundred dollars; and in case
17 the nett produce of the said estate shall, over
18 and above the allowance hereafter mentioned, be
19 sufficient to pay the said creditors seventy five per
20 cent, on the amount of their said debts respectively,
21 that then the said bankrupt shall be allowed ten
22 per cent, on the amount of such nett produce, to
23 be paid as aforesaid, so as such ten per cent, shall
24 not, in the whole, exceed the sum of eight hundred
25 dollars, and every such bankrupt shall be discharged
26 from all debts by him or her due or owing, at the
27 time he or she became bankrupt, and all which were
28 or might have been proved under the said commissi-
29 on, and in case any such bankrupt shall afterwards be
30 arrested, prosecuted, or impleaded, for or on account
31 of any of the said debts, such bankrupt may appear
32 without bail, and may plead the general issue, and
33 give this act and the special matter in evidence:
34 And the certificate of such bankrupt's conforming,
35 and the allowance thereof, according to the directi-
36 ons of this act shall be, and shall be allowed to be

37 sufficient evidence *prima facie* of the party's being
 38 a bankrupt within the meaning of this act, and of
 39 the commission and other proceedings precedent to
 40 the obtaining such certificate, and a verdict shall
 41 thereupon pass for the defendant, unless the plain-
 42 tiff in such action can prove the said certificate was
 43 obtained unfairly and by fraud, or unless he can
 44 make appear any concealment of estate or effects
 45 by such bankrupt to the value of one hundred
 46 dollars: Provided, That no such discharge of a bank-
 47 rupt, shall release or discharge any person who was a
 48 partner with such bankrupt at the time he or she became
 49 bankrupt, or who was then jointly held or bound with
 50 such bankrupt for the same debt or debts from which
 51 such bankrupt was discharged as aforesaid.

1 SEC. 35. *Provided always, and be it further en-*
 2 *acted,* That if the nett proceeds of the bankrupt's
 3 estate, so to be discovered, recovered and received
 4 shall not amount to so much as will pay all and
 5 every of the creditors of the said bankrupt, who
 6 shall have proved their debts under the said com-
 7 mission, the amount of fifty per cent on their debts,
 8 respectively, after all charges first deducted, that
 9 then, and in such case, the bankrupt shall not be al-
 10 lowed five per centum on such estate as shall be re-
 11 covered in, but shall have and be paid by the assig-
 12 nees so much money as the commissioners shall think
 13 fit to allow, not more than three hundred dollars,
 14 nor exceeding three per centum on the nett pro-
 15 ceeds of the said bankrupt's estate.

1 SEC. 36. *Provided also, and be it further enacted,*
 2 That no person becoming a bankrupt, according to
 3 the intent and provisions of this act, shall be entitled
 4 to a certificate of discharge, or to any of the bene-
 5 fits of the act, unless the commissioners shall certify
 6 under their hands, to the judge of the district within
 7 which such commission issues, that such bankrupt
 8 hath made a full discovery of his or her estate and
 9 effects, and in all things conformed him or herself to

10 the directions of this act, and that there doth not
 11 appear to them any reason to doubt of the truth of
 12 such discovery, or that the same was not a full dis-
 13 covery of the said bankrupt's estate and effects; or
 14 unless the said judge should be of opinion that the
 15 said certificate was unreasonably denied by the com-
 16 missioners, and unless two thirds in number and in
 17 value of the creditors of the bankrupt, who shall be
 18 creditors for not less than fifty dollars, respectively,
 19 and who shall have duly proved their debts under
 20 the said commission, shall sign such certificate to the
 21 judge, and testify their consent to the allowance of
 22 a certificate of discharge, in pursuance of this act;
 23 which signing and consent shall be also certified by
 24 the commissioners; but the said commissioners shall
 25 not certify the same till they have proof by affidavit
 26 or affirmation, in writing of such creditors, or of the
 27 persons respectively authorized for that purpose,
 28 signing the said certificate, which affidavit or affir-
 29 mation, together with the letter or power of attor-
 30 ney to sign, shall be laid before the judge of the dis-
 31 trict within which such commission issues, in order
 32 for the allowing the certificate of discharge, and the
 33 said certificate shall not be allowed unless the bank-
 34 rupt make oath or affirmation in writing, that the
 35 certificate of the commissioners, and consent of the
 36 creditors thereunto, were obtained fairly and with-
 37 out fraud; and any of the creditors of the said
 38 bankrupt are allowed to be heard, if they shall think
 39 fit before the respective persons, aforesaid, against
 40 the making or allowing of such certificates by the
 41 commissioners or judge.

1 SEC. 37. *And be it further enacted.* That if any
 2 creditor, or pretended creditor of any bankrupt,
 3 shall exhibit to the commissioners any fictitious or
 4 false debt or demand, with intent to defraud the
 5 real creditors of such bankrupt, and the bankrupt
 6 shall refuse to make discovery thereof, and suffer
 7 the fair creditors to be imposed upon, he shall lose

8 all title to the allowance upon the amount of his
 9 effects, and to a certificate of discharge as afore-
 10 said, nor shall he be entitled to the said allowance or
 11 certificate, if he has lost at any one time fifty dollars, or
 12 in the whole three hundred dollars, after the passing
 13 of this act, and within twelve months before he be-
 14 came a bankrupt, by any manner of gaming or wa-
 15 gering whatever.

1 SEC. 38. *And be it further enacted*, That if any
 2 bankrupt, who shall have obtained his certificate,
 3 shall be taken in execution or detained in prison,
 4 on account of any debts owing before he became a
 5 bankrupt, by reason that judgment was obtained
 6 before such certificate was allowed, it shall be law-
 7 ful for any of the judges of the court wherein judg-
 8 ment was so obtained, or for any court, judge, or
 9 justice within the district in which such bankrupt
 10 shall be detained, having powers to award or allow
 11 the writ of *habeas corpus*, on such bankrupt produ-
 12 cing his certificate so as aforesaid allowed, to order
 13 any sheriff or gaoler who shall have such bankrupt
 14 in his custody, to discharge such bankrupt without
 15 fee or charge, first giving reasonable notice to the
 16 plaintiff, or his attorney, of the motion for such
 17 discharge.

1 SEC. 39. *And be it further enacted*, That every
 2 person who shall have *bona fide* given credit to, or
 3 taken securities, payable at future days, from per-
 4 sons who are or shall become bankrupts, not
 5 due at the time of such person becoming bankrupt,
 6 shall be admitted to prove their debts and contracts,
 7 as if they were payable presently, and shall have a
 8 dividend in proportion to the other creditors, dis-
 9 counting, where no interest is payable, at the rate
 10 of so much per centum per annum, as is equal to
 11 the lawful interest of the state where the debt was
 12 payable; and the obligee of any bottomry or
 13 respondentia bond, and the assured in any policy of
 14 insurance, shall be admitted to claim, and after the

17 contingency or loss, to prove the debt thereon, in
 18 like manner as if the same had happened before
 19 issuing the commission; and the bankrupt shall be
 20 discharged from such securities, as if such money
 21 had been due and payable before the time of his or
 22 her becoming bankrupt; and such creditors may
 23 petition for a commission, or join in petitioning.

1 SEC. 40. *And be it further enacted*, That in case
 2 any person committed by the commissioners warrant,
 3 shall obtain a *habeas corpus*, in order to be dis-
 4 charged, and there shall appear any insufficiency in
 6 the form of the warrant, it shall be lawful for the
 7 court or judge before whom such party shall be
 8 brought by *habeas corpus*, by rule or warrant, to
 9 commit such person to the same prison, there to re-
 10 main until he shall conform as aforesaid, unless it
 11 shall be made to appear that he had fully answered
 12 all lawful questions put to him by the commissioners;
 13 or in case such person was committed for not sign-
 14 ing his examination, unless it shall appear that the
 15 party had good reason for refusing to sign the same,
 16 or that the commissioners had exceeded their au-
 17 thority in making such commitment, and in case the
 18 gaoler to whom such person shall be committed,
 19 shall wilfully or negligently suffer such person to
 20 escape, or go without the doors or walls of the
 21 prison, such gaoler shall, for such offence, being
 22 convicted thereof, forfeit a sum not exceeding three
 23 thousand dollars, for the use of the creditors.

1 SEC. 41. *And be it further enacted*, That the
 2 gaoler shall, upon the request of any creditor,
 3 having proved his debt, and shewing a certificate
 4 thereof, under the hands of the commissioners
 5 (which the commissioners shall give without fee or
 6 reward) produce the person so committed, and in
 7 case such gaoler shall refuse to shew such person to
 8 such creditor, requesting the same, such person shall
 9 be considered as having escaped, and the gaoler or
 10 sheriff so refusing, shall be liable as for a wilful
 11 escape.

1 SEC. 42. *And be it further enacted,* That where
 2 it shall appear to the said commissioners that there
 3 hath been mutual credit given by the bankrupt,
 4 and any other person, or mutual debts between them
 5 at any time before such person became bankrupt,
 6 the assignee or the assignees of the estate, shall state
 7 the account between them, and one debt may be
 8 set off against the other, and what shall appear to be
 9 due on either side, on the balance of such account,
 10 after such set off, and no more, shall be claimed or
 11 paid on either side respectively.

1 SEC. 43. *And be it further enacted,* That it shall
 2 and may be lawful to and for the assignee or assignees
 3 of any bankrupt's estate and effects, under the di-
 4 rection of the commissioners, and by and with the
 5 consent of the major part in value of such of the said
 6 bankrupt's creditors as shall have duly proved their
 7 debts under the commission, and shall be present at
 8 any meeting of the said creditors, to be held in pur-
 9 suance of due and public notice for that purpose
 10 given, to submit any difference or dispute for, on
 11 account of, or by reason or means of, any matter
 12 cause or thing whatsoever, relating to such bank-
 13 rupt, or to his or her estate or effects, to the final
 14 end and determination of arbitrators to be chosen
 15 by the said commissioners, and the major part in
 16 value of such creditors as shall be present at such
 17 meeting as aforesaid, and the party or parties with
 18 whom they shall have such difference or dispute,
 19 and to perform the award of such arbitrators, or
 20 otherwise to compound and agree the matter in
 21 difference and dispute as aforesaid, in such manner
 22 as the said assignee or assignees under the direction
 23 and with the consent aforesaid, shall think fit and
 24 can agree, and the same shall be binding on the seve-
 25 ral creditors of the said bankrupt, and the said
 26 assignee or assignees are hereby indemnified for what
 27 they shall fairly do according to the directions afore-
 28 said.

1 SEC. 44. *And be it further enacted*, That the as-
 2 signees shall be, and hereby are vested with full pow-
 3 er to dispose of all the bankrupt's estate real and per-
 4 sonal at public auction or vendue, without being
 5 subject to any tax, duty, imposition, or restriction,
 6 any law to the contrary notwithstanding.

1 SEC. 45. *And be it further enacted*, That if after
 2 any commission of bankruptcy, sued forth, the bank-
 3 rupt happen to die before the commissioners shall
 4 have distributed the effects, or any part thereof, the
 5 commissioners shall, nevertheless, proceed to execute
 6 the commission, as fully as they might have done if
 7 the party were living.

1 SEC. 46. *And be it further enacted*, That where
 2 any commission of bankruptcy shall be delivered to
 3 the commissioners, therein named to be executed,
 4 it shall and may be lawful for them before they take
 5 the oath or affirmation of qualification, to demand
 6 and take from the creditor, or creditors prosecuting
 7 such commission, a bond with one good security, if
 8 required, in the penalty of one thousand dollars,
 9 conditioned for the payment of the costs, charges,
 10 and expenses, which shall arise and accrue upon the
 11 prosecution of the said commission: *Provided always*,
 12 that the expenses so as aforesaid to be secured and
 13 paid by the petitioning creditor or creditors, shall
 14 be re-paid to him or them by the commissioners or
 15 assignees, out of the first monies arising from the
 16 bankrupt's estate or effects, if so much be received
 17 therefrom.

1 SEC. 47. *And be it further enacted*, That the
 2 district judges, in each district respectively, shall fix
 3 a rate of allowance to be made to the commissioners
 4 of bankruptcy, as compensation of services to be
 5 rendered under the commission, and it shall be law-
 6 ful for any creditor, by petition to the district judge,
 7 to except to any charge contained in the account
 8 of the commissioners: and the said judge after
 9 hearing the commissioners, may in a summary way
 10 decide upon the validity of such exception.

1 SEC. 48. *And be it further enacted*¹, That all pe-
 2 nalties given by this act, for the benefit of the cre-
 3 ditors shall be recovered by the assignee or assignees
 4 by action of debt, and the money so recovered, the
 5 charges of suit being deducted, shall be distributed
 6 towards payment of the creditors.

1 SEC. 49. *And be it further enacted*, That if any
 2 action shall be brought against any commissioner, or
 3 assignee, or other person, having authority under
 4 the commission for any thing done or performed by
 5 force of this act, the defendant may plead the gene-
 6 ral issue, and give this act and the special matter in
 7 evidence, and in case of a nonsuit, discontinuance, or
 8 verdict, or judgment for him, he shall recover dou-
 9 ble costs.

1 SEC. 50. *And be it further enacted*, That if any
 2 estate real or personal shall descend, revert to, or
 3 become vested in any person, after he or she shall be
 4 declared a bankrupt, and before he or she shall ob-
 5 tain a certificate, signed by the judge as aforesaid,
 6 all such estate shall, by virtue of this act, be vested
 7 in the said commissioners, and shall be by them as-
 8 signed and conveyed to the assignee or assignees, in
 9 fee simple, or otherwise, in like manner as above
 10 directed with the estate of the said bankrupt, at the
 11 time of the bankruptcy, and the proceeds thereof
 12 shall be divided among the creditors.

1 SEC. 51. *And be it further enacted*, That the said
 2 commissioners shall, once in every year, carefully
 3 file, in the clerk's office of the district court, all the
 4 proceedings had in every case before them, and
 5 which shall have been finished, including the com-
 6 missions, examinations, dividends, entries, and other
 7 determinations of the said commissioners, in which
 8 office, the final certificate of the said bankrupt may
 9 also be recorded; all which proceedings shall re-
 10 main of record in the said office, and certified co-
 11 pies thereof shall be admitted as evidence in all
 12 courts, in like manner as the copies of the proceedings
 13 of the said district court are admitted in other cases.

1 SEC. 52. *And be it further enacted,* That it shall
 2 and may be lawful for any creditor of such bank-
 3 rupt, to attend all or any of the examinations of said
 4 bankrupt, and the allowance of the final certificate,
 5 if he shall think proper, and then and there to pro-
 6 pose interrogatories, to be put by the judge or com-
 7 missioners to the said bankrupt and others, and also
 8 to produce and examine witnesses and documents
 9 before such judge or commissioners, relative to the
 10 subject matter before them. And in case either the
 11 bankrupt or creditor shall think him or herself ag-
 12 grieved by the determination of the said judge or
 13 commissioners, relative to any material fact, in the
 14 commencement or progress of the said proceedings,
 15 or in the allowance of the certificate aforesaid, it
 16 shall and may be lawful for either party to petition
 17 the said judge, setting forth such facts and the deter-
 18 mination thereon, with the complaint of the party
 19 and a prayer for trial by a jury to determine the
 20 same, and the said judge shall, in his discretion,
 21 make order thereon, and award a *venire facias* to
 22 the marshal of the district, returnable within fifteen
 23 days before him, for the trial of the facts mentioned
 24 in the said petition, notice whereof shall be given to
 25 the commissioners and creditors concerned in the
 26 same; at which time the said trial shall be had, un-
 27 less on good cause shewn, the judge shall give far-
 28 ther time, and judgment being entered on the ver-
 29 dict of the jury, shall be final, on the said facts,
 30 and the judge or commissioners shall proceed agree-
 31 ably thereto.

1 SEC. 53. *And be it further enacted,* That it shall
 2 be lawful for the major part in value of the credi-
 3 tors, before they proceed to the choice of assignees
 4 to direct in what manner, with whom, and where
 5 the monies arising by, and to be received from time
 6 to time out of the bankrupt's estate, shall be lodg-
 7 ed, until the same shall be divided among the credi-
 8 tors, as herein provided, to which direction every
 9

10 such assignee and assignees shall conform as often
 11 as three hundred dollars shall be received.

1 SEC. 54. *And be it further enacted*, That every
 2 matter and thing by this act required to be done by
 3 the commissioners of any bankrupt, shall be valid
 4 to all intents and purposes if performed by a major-
 5 rity of them.

1 SEC. 55. *And be it further enacted*, That in all ca-
 2 ses where the assignees shall prosecute any debtor
 4 of the bankrupt for any debt, duty or demand, the
 5 commission, or a certified copy thereof, and the
 6 assignment of the commissioners of the bankrupt's
 7 estate, shall be conclusive evidence of the issuing
 8 the commission, and of the person named therein
 9 being a trader and bankrupt, at the time mentioned
 10 therein.

1 SEC. 56. *And be it further enacted*, That every per-
 2 son obtaining a discharge from his debts, by certi-
 3 ficate as aforesaid, granted under a commission of
 4 bankruptcy, shall not, on any future commission,
 5 be entitled to any other certificate than a discharge
 6 of his person only; unless the nett proceeds of the
 7 estate and effects of such person so becoming bank-
 8 rupt a second time, shall be sufficient to pay seven-
 9 ty five per cent, to his or her creditors on the a-
 10 mount of their debts respectively.

1 SEC. 57. *And be it further enacted*, That any
 2 creditor of a person, against whom a commission of
 3 bankruptcy shall have been sued forth, and who shall
 4 lay his claim before the commissioners appointed in pur-
 5 suance of this act, may, at the same time declare his
 6 unwillingness to submit the same to the judgment of the
 7 said commissioners, and his wish that a jury may be
 8 impannelled to decide thereon: And in like manner,
 9 the assignee or assignees of such bankrupt may object to
 10 the consideration of any particular claim by the com-
 11 missioners, and require that the same should be referred
 12 to a jury. In either case, such objection and request
 13 shall be entered on the books of the commissioners, and

14 thereupon an issue shall be made up between the parties,
 15 and a jury shall be impannelled, as in other cases, to
 16 try the same in the circuit court for the district in which
 17 such bankrupt has usually resided. The verdict of such
 18 jury shall be subject to the control of the court, as in
 19 suits originally instituted in the said court, and when
 20 rendered, if not set aside by the court, shall be certified
 21 to the commissioners, and shall ascertain the amount of
 22 any such claim, and such creditor or creditors shall be
 23 considered in all respects, as having proved their debts
 24 under the commission.

1 SEC. 58. And be it further enacted, That the lands
 2 and effects of any person becoming bankrupt may be
 3 sold on such credit, and on such security as a major part
 4 in value of the creditors may direct: Provided, no-
 5 thing herein contained shall be allowed so to operate, as
 6 to retard the granting the bankrupt's certificate.

1 SEC. 59. And be it further enacted, That if any
 2 person becoming bankrupt, shall be in prison, it shall
 3 be lawful for any creditor or creditors, at whose suit
 4 he or she shall be in execution, to discharge him or
 5 her from custody, or if such creditor or creditors shall
 6 refuse to do so, the prisoner may petition the commissi-
 7 oners, to liberate him or her; and thereupon, if, in
 8 the opinion of the commissioners, the conduct of such
 9 bankrupt shall have been fair, so as to entitle him or
 10 her in their opinion, to a certificate, when by law, such
 11 certificate might be given, it shall be lawful for them
 12 to direct the discharge of such prisoner, and to enter
 13 the same in their books; which being notified to the
 14 keeper of the gaol in which such prisoner may be confined,
 15 shall be a sufficient authority for his or her discharge:
 16 Provided, That in either case, such discharge shall
 17 be no bar to another execution, if a certificate shall be
 18 refused to such bankrupt; And provided also, that it
 19 shall be no bar to a subsequent imprisonment of such
 20 bankrupt, by order of the commissioners, in conformity
 21 with the provisions of this act.

1 SEC. 60. *And be it further enacted, That this*
2 *act shall not repeal or annul, or be construed to re-*
3 *peal or annul the laws of any state, now in force,*
4 *or which may be hereafter enacted, for the relief*
5 *of insolvent debtors, except so far as the same may*
6 *respect persons, who are, or may be clearly within*
7 *the purview of this act.*

1 SEC. 61. *And be it further enacted, That noth-*
2 *ing contained in this law shall, in any manner, af-*
3 *fect the right of preference to prior satisfaction of*
4 *debts due to the United States, as secured or pro-*
5 *vided by any law heretofore passed, nor shall be*
6 *construed to lessen or impair any right to, or secu-*
7 *rity for money due to the United States.*

1 SEC. 62. *And be it further enacted, That nothing*
2 *contained in this act shall be taken, or construed,*
3 *to invalidate or impair, any lien existing at the date*
4 *of this act, upon the lands or chattels of any per-*
5 *son who may become a bankrupt.*

1 SEC. 63. *And be it further enacted, That this act*
2 *shall continue in force during the term of five years,*
3 *and from thence to the end of the next session of Con-*
4 *gress thereafter, and no longer: Provided, That the*
5 *expiration of this act shall not prevent the complete*
6 *execution of any commission which may have been pre-*
7 *viously thereto issued.*